

(iii) Other future transportation policies, requirements, services, and activities, including intermodal activities, shall be described.

(b) *Moderate areas reclassified to serious.* Ozone or CO nonattainment areas which are reclassified from moderate to serious must meet the requirements of paragraph (a) of this section within two years from the date of reclassification.

(c) *Transportation plans for other areas.* Transportation plans for other areas must meet the requirements of paragraph (a) of this section at least to the extent it has been the previous practice of the MPO to prepare plans which meet those requirements. Otherwise, transportation plans must describe the transportation system envisioned for the future specifically enough to allow determination of conformity according to the criteria and procedures of §§ 93.109 through 93.127.

(d) *Savings.* The requirements of this section supplement other requirements of applicable law or regulation governing the format or content of transportation plans.

#### § 93.107 Relationship of transportation plan and TIP conformity with the NEPA process.

The degree of specificity required in the transportation plan and the specific travel network assumed for air quality modeling do not preclude the consideration of alternatives in the NEPA process or other project development studies. Should the NEPA process result in a project with design concept and scope significantly different from that in the transportation plan or TIP, the project must meet the criteria in §§ 93.109 through 93.127 for projects not from a TIP before NEPA process completion.

#### § 93.108 Fiscal constraints for transportation plans and TIPs.

Transportation plans and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450 in order to be found in conformity.

#### § 93.109 Criteria and procedures for determining conformity of transportation plans, programs, and projects: General.

(a) In order to be found to conform, each transportation plan, program, and FHWA/FTA project must satisfy the applicable criteria and procedures in §§ 93.110 through 93.127 as listed in Table 1 in paragraph (b) of this section, and must comply with all applicable conformity requirements of implementation plans and of court orders for the area which pertain specifically to conformity determination requirements. The criteria for making conformity determinations differ based on the action under review (transportation plans, TIPs, and FHWA/FTA projects), the time period in which the conformity determination is made, and the relevant pollutant.

(b) The following table indicates the criteria and procedures in §§ 93.110 through 93.127 which apply for each action in each time period.

TABLE 1.—CONFORMITY CRITERIA

Action	Criteria
All Periods	
Transportation Plan .....	§§ 93.110, 93.111, 93.112, 93.113(b).
TIP .....	§§ 93.110, 93.111, 93.112, 93.113(c).
Project (From a conforming plan and TIP).	§§ 93.110, 93.111, 93.112, 93.114, 93.115, 93.116, 93.117.
Project (Not from a conforming plan and TIP).	§§ 93.110, 93.111, 93.112, 93.113(d), 93.114, 93.116, 93.117.
Phase II of the Interim Period	
Transportation Plan .....	§§ 93.122, 93.125.
TIP .....	§§ 93.123, 93.126.
Project (From a conforming plan and TIP).	§ 93.121.
Project (Not from a conforming plan and TIP).	§ 93.121, 93.124, 93.127.
Transitional Period	
Transportation Plan .....	§§ 93.118, 93.122, 93.125.
TIP .....	§§ 93.119, 93.123, 93.126.
Project (From a conforming plan and TIP).	§ 93.121.
Project (Not from a conforming plan and TIP).	§§ 93.120, 93.121, 93.124, 93.127.